IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.10407 OF 2004
WITH
WRIT PETITION NOS.1338/05, 1654/05 & 9250/04

W. P. No.10407/04 :

Chandrika Prasad Bhagwati. ...Petitioner.
Vs.
Century Textile & Industries Ltd. & Ors. ...Respondents.
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W. P. No.1338/05 :

Laxman Dnyandeo Jadhav. ...Petitioner.
Vs.
Century Textile & Industries Ltd. & Ors. ...Respondents.
....
W. P. No.1654/05 :

Utam Ganpat. ...Petitioner.
Vs.
Century Textile & Industries Ltd. & Ors. ...Respondents.
....
W. P. No.9250/04 :

Sanjay R. Dave. ...Petitioner.
Vs.
Century Textile & Industries Ltd. & Ors. ...Respondents.
....
Mr.Madhav Jamdar for the Petitioners.
Mr. D. H. Mehta i/b. Mr. N.M. Shah for the Respondents.
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CORAM : DR.D.Y.CHANDRACHUD, J.

June 17, 2005.

P.C.:

In this batch of matters, the Petitioners are ex-employees of the First Respondent whose services were terminated. After the cessation of employment, suits were filed before the Court of Small Causes for seeking decrees of eviction. The suits have been decreed on the ground that upon the cessation of service, the service tenancies came to an end and that the First Respondent was entitled to possession. These decrees have been affirmed in appeal by the Appellate Bench of the Court of Small Causes.

2. The point which has been raised in these petitions is no longer res integra and is covered by several judgments of this Court. Similar decrees for eviction were passed against other employees of the First Respondent. Those decrees were challenged on the ground that in view of certain notifications issued by the State Government on 20th March 2001 and on 20th June 2002 in exercise of its power under Section 154 of the Maharashtra Regional and Town Planning Act, 1966, it was obligatory on the

land owner of a Textile Mill to provide the occupants with alternative accommodation if and when the area of the Mill was developed for residential purposes. There are decisions of Learned Single Judges of this Court which hold that such notifications of government would not operate to affect the executablility of decrees passed by a competent judicial forum and an administrative order of the Government under Section 154 of the Maharashtra Regional and Town Planning Act, 1966 would not operate to nullify decrees passed by the Court of Small Causes. This view was taken by, Mr.Justice D.K. Deshmukh in a decision dated 17th September 2002 in **Dattaram Rohidas vs. Century Textiles and Industries Ltd.** (Writ Petition 5198/02) and by Mr.Justice R. M. S. Khadeparkar on 20th January 2003 in **Ram Kripal Ramdin vs. Century Textile and Industries Ltd.** (Writ Petitions 6168 and 6493 of 2002) amongst other cases. The Hon'ble Supreme Court considered the matter in an order dated 16th January 2004 in a Special Leave Petition which arose out of the decision of this Court in Writ Petitions 635 of 2002, 6493 of 2003 and 6128 of 2003. The Supreme Court, while dismissing the

Special Leave Petition on 16th January 2004, noted that a similar Petition (S. L. P.(C) No. 23711 of 2003) had been dismissed. In these circumstances, the view which has been taken by the Learned Single Judges of this Court continues to hold the field.

3. On behalf of the Petitioners it is sought to be urged that the lease of the plot of land on which the Textile Mills of the First Respondent situated, has expired. That however, would not come to the aid of the the Petitioners. The entry of the Petitioners into the premises is relatable to their contract of employment with the First Respondent which is terminated. The Petitioners have no right to remain in occupation of tenements which were allotted to them as employees of the First Respondent. The First Respondent would be answerable in respect of action which may be pursued in accordance with law by the lessor. That however, would not confer any higher right on the Petitioners to these proceedings.

4. In these circumstances, no interference under Article 227 of the Constitution is warranted. The petition is dismissed. However, in the facts and circumstances of the case, time to

vacate the premises in the occupation of the respective Petitioners is granted until 31st December 2005, subject to the filing of the usual undertaking within a period of four weeks.

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